Welcome!

HR FORUM

February 18, 2020
Clery Updates

Chief Laurie Clouse

Chief of Police | UPD
Contact

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Sexual Misconduct Investigations and the Texas Public Information Act

Molly Cost

TXST Public Information Coordinator | TSUS Office of General Counsel
University records are open to the public

UNLESS

There’s a specific exception to disclosure
Relevant Statutory Provisions

- Education Code § 51.971
- Education Code § 51.291 (HB 1735)
- Education Code § 51.256 (SB 212)
- FERPA (20 U.S.C. § 1232g, 34 CFR Part 99) U.S.
Relevant PIA Provisions


• Government Code § 552.108(a)(1) – ongoing criminal case
"Compliance program" means a process to assess and ensure compliance by the officers and employees of an institution of higher education with applicable laws, rules, regulations, and policies, including matters of:

(A) ethics and standards of conduct;
(B) financial reporting;
(C) internal accounting controls; or
(D) auditing.
Education Code § 51.971(c) | What is confidential?

1. information that **directly or indirectly** reveals the identity of a REPORTER, PERSON WHO SOUGHT GUIDANCE, COMPLAINANT/VICTIM OR WITNESS;

2. information that **directly or indirectly** reveals the identity of a RESPONDENT IF, after completing an investigation, the office determines the report to be unsubstantiated or without merit.

- Any of these people can waive confidentiality -
Education Code § 51.971(e) | What is confidential?

Records collected or produced in a compliance program investigation and releasing the information would interfere with an ongoing compliance investigation.

Investigation is ongoing until a final decision is issued. OR2019-24831 (2019)
IDENTITY OF:

1. alleged VICTIM
2. REPORTER, COMPLAINANT/VICTIM, PERSON WHO SOUGHT GUIDANCE, OR WITNESS;
3. RESPONDENT IF, after completing an investigation, the institution determines the report to be unsubstantiated or without merit.

- Any of these people can waive confidentiality IN WRITING -
IDENTITY OF alleged VICTIM, unless waived IN WRITING.
FERPA | What is confidential?

Student education records - nearly every record maintained by educational institutions that identify a student

- Students can consent to disclosure in writing
- Consent not required:
  - To school officials with legitimate educational interests
  - To comply with a judicial order or lawfully-issued subpoena*
  - To appropriate parties in connection with a health or safety emergency
Government Code § 552.101 | common law privacy

Protects information that (1) contains highly intimate or embarrassing facts, the publication of which would be highly objectionable to a reasonable person, and (2) is not of legitimate concern to the public. *Indus. Found. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976).

Applies to sexual assault cases and makes confidential information that identifies OR tends to identify the victim
Government Code § 552.101 | Morales v. Ellen

The Ellen court concluded that in workplace sexual harassment cases, the names and identifying information of the complainant and witnesses must be WITHHELD, but an adequate summary of the case and any statements of the accused must be RELEASED, with redactions of complainant and witness identities. The accused’s identity must be released, EVEN IF the accused is found not to have violated the sexual harassment policies.

- New law should change that last part -
Government Code § 552.108(a)(1)

Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime **MAY be withheld** if release of the information would **interfere with the detection, investigation, or prosecution** of crime.
In Summary....

ALWAYS CONFIDENTIAL: Identities of Victims, Witnesses, Reporters, and Individuals who seek guidance from the Title IX Office

MAY BE CONFIDENTIAL: Identity of Accused IF the report of sexual harassment, sexual assault, stalking, or dating violence is found to be unsubstantiated or without merit
Questions?
Contact

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FLSA and NSNR Updates

Blake Bissing
Manager, Compensation | Human Resources
**FLSA New Rule**

- **Effective Jan 1, 2020,** the minimum salary an employee must be paid in order to be exempt from overtime is **$684/week** (up from **$455/week**).

- Threshold amount must be paid on a salary basis.

- No pro-rating for part-time, below 100% FTE employees.
  - Except for teachers and employees who “practice law or medicine,” all exempt employees must meet the threshold.
FLSA Summary

• 81 regular staff identified as below threshold
• 73 received pay increases to remain exempt, 8 were moved to non-exempt
• Pay grade 18 minimum changed to $2,964/month (up from $2,896/month)
• With few exceptions, the Unclassified Pay Plan minimum changed to pay grade 18
• 191 NSNR incumbents changed titles
Reasons for NSNR changes

- Change in FLSA – no longer able to use exempt titles for hourly employees
- FLSA status assigned to Job Code
- Were not previously subject to a formal audit
- Administration – filling out forms for title changes
New NSNR Classification System

Please see the link below for information about the NSNR titles. Note that these describe general duties and are not intended to serve as position specific descriptions.

https://www.eeoc.gov/eeoc/statistics/employment/jobpat-eeo1/glossary.cfm

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<thead>
<tr>
<th>Job Code</th>
<th>Job Title</th>
<th>Min</th>
<th>FLSA</th>
<th>ORP</th>
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<tr>
<td>50036591</td>
<td>Temporary Worker - Professional</td>
<td>$7.25/hr</td>
<td>NE</td>
<td>No</td>
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<td>50036579</td>
<td>Temporary Worker - Technician</td>
<td>$7.25/hr</td>
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<td>50036582</td>
<td>Temporary Worker - Administrative Support</td>
<td>$7.25/hr</td>
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<tr>
<td>50036580</td>
<td>Temporary Worker - Craft Worker</td>
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<td>50036579</td>
<td>Temporary Worker - Operative</td>
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<td>50036583</td>
<td>Temporary Worker - Service Worker</td>
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</table>
New NSNR Advantages

• More flexible
  • Minimums indexed to the minimum wage and no maximum
  • Title changes only have to be processed for EEO category change

• Compliant with FLSA

• Less data entry
Recent change states that, except for posted positions, any change in pay or change in position resulting in a salary increase of 10% or more must be approved by the President.

- Signed memo can be attached as “Other Support Document” in PeopleAdmin
- Also applies to temporary changes in pay
Contact

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Introducing our newly revamped website:
Manager’s Toolkit
Laura Gonzalez & Vanessa Salazar
Organizational Development & Communications | Office of Human Resources
Manager's Toolkit

As a manager, you have many responsibilities that fall beyond the scope of completing your own projects. As a leader at Texas State, you play a critical role in driving your department’s goals, advancing our University values, and developing your exceptional team members. From hiring best practices, understanding legal responsibilities, and investing in talent development, learn more about how to lead effectively, foster an inclusive and supportive environment, and fulfill your role successfully.
Contacts

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Vanessa Salazar | vs21 | 5.8112
Employment Updates

Alicia Barthel

Talent Acquisition Partner | Human Resources
Policy Updates |04.04.03

What’s New?

• Six-month requirement for eligibility to apply to other positions is removed

• Provision allowing hiring at a previous incumbent’s salary and above pay plan minimum is removed

• Hiring rates are more flexible and allow for negotiations above the posted hiring rates or range; in the PeopleAdmin job posting form – complete the field Approved Maximum Monthly salary

• Requirement to repost positions when hiring above posted hiring rates is removed
Applicant must provide written proof of required licenses, credentials, or certifications if required and it is a required document in the job posting.

- Credentials required as a condition of employment will be tracked by Human Resources.

- Clarify that reference checks are mandatory.
  - New form for current and former employee HR records request.
Physical Skills Assessment Program

- Reclassification, transfer, and promotion of current employee to a job title that requires physical skills will now require a physical skills assessment

- **Reminder-** all position changes will require criminal history checks, drug and physical skills testing depending on job title requirements
New and Updated User Guides and Toolkits

- **Applicant user guide**
  - What happens after I submit my application? *New*

- **Hiring manager user guides:**
  - Updated PeopleAdmin user guides for Job Postings and Screening and Hiring Proposals
  - Staff Diverse Hiring Toolkit *New*
  - Updated Hiring Matrix and Tutorial
  - Updated Staff Employment Checklist
  - HireRight Security Access Form *New*
• A new email was added to PeopleAdmin notifications
  • Hiring manager will receive an email with the subject title *Background Completed and Approval to Make Employment Offer* from noreply@jobinfo.txstate.edu
  • The notification will include the official notice that the background check is complete and the HR approval to make an employment offer
Updated | PeopleAdmin Applicant Tracking System

- Two new budget relevant fields were added to PeopleAdmin Job Posting Form
  - Approved Maximum Monthly Salary field – this indicates the maximum amount you may offer the candidate above the job posting rate or range,
  - Permanent Budget field – this is a prepopulated field and it represent the current budget for position
- These two field are for internal use between Budget Office and Department and are not visible to applicants
Contact

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Demo: W-4 Form Updates

Heather Houston

Benefits Manager | Human Resources
We have a new W-4. Now What?

Employees only need to complete a new form if:

• They are newly hired or a re-hire
• They wish to make changes to their W-4
How do you complete the form?

• Everyone must complete Steps 1 & 5.

• Steps 2-4 are optional, and employees should read the instructions or use the IRS tax withholding estimator to complete the form.
Still confused?

• FAQs on the 2020 Form W-4
• Sandbox Demo
Wellness Policy Update: UPPS 04.04.32

Allows up to 2.5 hours per week of wellness leave

- Can be taken all at once or incrementally
- Still requires supervisor approval

Removes requirement that wellness leave be used for on-campus activities
Contacts

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Michelle Moritz| mm10| 5.2557
Let us know how we are doing.

Pull up camera on your phone, point camera at QR code and then open the website to complete the survey.
Announcements | Open Floor Discussions
April 14, 2020
Contact Us

hrforum@txstate.edu | 512.245.2557
Thank you!

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